

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-10427-RGS

\*\*\*\*\*  
LAURA PATRICK, \*  
Plaintiff, \*  
 \*  
V. \*  
 \*  
JANSSON CORPORATION, \*  
Defendant. \*  
\*\*\*\*\*

DEPOSITION OF LAURA PATRICK, taken  
pursuant to the applicable provisions of the  
Federal Rules of Civil Procedure, before Susan L.  
Prokopik, Registered Merit Reporter and Notary  
Public in and for the Commonwealth of  
Massachusetts, at the offices of Riley & Dever,  
P.C., 210 Broadway, suite 201, Lynnfield,  
Massachusetts, on Tuesday, January 25, 2005, at  
10:04 a.m.

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72 CHANDLER STREET, SUITE 3  
BOSTON, MASSACHUSETTS 02116

(617) 426-6060

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1 APPEARANCES:  
2  
3 ON BEHALF OF THE PLAINTIFF:  
4 THERESA FINN DEVER, ESQ.  
5 Riley & Dever, P.C.  
6 210 Broadway, suite 201  
7 Lynnfield, MA 01940  
8 (781) 581-9880  
9  
10 ON BEHALF OF THE DEFENDANT:  
11 DANIEL L. PALMQUIST, ESQ.  
12 Leonard, Street and Deinard  
13 150 South Fifth Street, suite 2300  
14 Minneapolis, MN 55402  
15 (612) 335-1500  
16  
17 ALSO PRESENT:  
18 Joel Rudy  
19  
20  
21  
22  
23  
24

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1 PROCEEDINGS  
2 -----  
3 LAURA PATRICK  
4 having been satisfactorily identified and duly  
5 sworn by the Notary Public, was examined and  
6 testified as follows:  
7 EXAMINATION BY MR. PALMQUIST:  
8 Q. Miss Patrick, my name is Dan Palmquist and I  
9 represent Jansson Corporation in this matter.  
10 I'm here to ask you some questions about your  
11 lawsuit. You understand that?  
12 A. Yes.  
13 Q. Now, when you returned from your FMLA leave in  
14 December of 2001, you told Arlene Osoff that you  
15 wanted to cut back your hours from full-time to  
16 32 hours per week, correct?  
17 A. No.  
18 Q. You told her you wanted to cut back your hours at  
19 the plant; isn't that correct?  
20 A. Yes.  
21 Q. And Arlene Osoff told you that you would be  
22 making approximately \$22 or 22.50 an hour; is  
23 that correct?  
24 A. Yes. She did mention that.

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Transcript Marked  
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1 Q. Okay. She told you that you would make that  
2 because you were moving from full-time to  
3 whatever part-time arrangement you wanted; isn't  
4 that correct?  
5 A. It wasn't considered part-time. But because it  
6 was not going to be five days, it was going to be  
7 four days, she classified that as part-time.  
8 Therefore, the change in the hourly rate.  
9 Q. Because you were moving from five days to four  
10 days; is that correct?  
11 A. That's what she said, yes.  
12 Q. Now, Arlene Osoff didn't tell you your proposed  
13 wage of 22 or 22.50 an hour would be that until  
14 you told her you wanted to reduce your hours;  
15 isn't that correct?  
16 A. I'm sorry. Can you repeat the question?  
17 Q. Okay. Arlene Osoff did not tell you that your  
18 wage would be \$22 an hour until you told her you  
19 wanted to go from five days to four days a week;  
20 is that correct?  
21 A. Yes.  
22 Q. Okay. You are not claiming that she would have  
23 proposed a reduced wage if you had not requested  
24 a modified schedule, are you?

2 (Pages 2 to 5)

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1 A. I'm not sure I quite understand what you're  
 2 saying. Just repeat that.  
 3 Q. Okay. Ms. Osoff proposed a \$22 an hour wage  
 4 because you asked for a modified schedule, didn't  
 5 you?  
 6 MS. DEVER: Objection.  
 7 You can answer. I'm just stating an  
 8 objection.  
 9 A. Yes.  
 10 Q. Okay. She didn't say that she was paying you 22  
 11 -- going to pay you \$22 an hour because you're  
 12 female, did she?  
 13 A. No.  
 14 Q. She didn't propose that wage because you were  
 15 pregnant, did she?  
 16 A. No.  
 17 Q. Okay. She didn't propose that wage because you  
 18 took family and medical leave, did she?  
 19 A. No.  
 20 Q. Have you ever had your deposition taken before  
 21 today, Miss Patrick?  
 22 A. No.  
 23 Q. Do you understand the process and the purpose of  
 24 this deposition?

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1 A. Yes.  
 2 Q. I will be relying on you to give me complete and  
 3 thorough answers to my questions regarding your  
 4 allegations of discrimination. If you don't  
 5 understand a question, please ask me to repeat it  
 6 or rephrase it as you have already done.  
 7 A. Okay.  
 8 MS. DEVER: Could I state something?  
 9 When we start a deposition, we usually put some  
 10 stipulations on the record about objections. I  
 11 don't know if that's the practice in Minnesota  
 12 but --  
 13 MR. PALMQUIST: If you want to tell me  
 14 what the stipulations are.  
 15 MS. DEVER: Usually we would say that  
 16 the witness would have 30 days to review the  
 17 transcript once it is available to make any  
 18 corrections and to sign the transcript. And  
 19 usually we hold all objections except objections  
 20 as -- all objections as to form until the time of  
 21 trial except maybe objections as to privilege or  
 22 other such matters.  
 23 MR. PALMQUIST: Those two stipulations  
 24 are acceptable.

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1 MS. DEVER: Okay.  
 2 MR. PALMQUIST: And normal in Minnesota  
 3 as well.  
 4 MS. DEVER: Okay.  
 5 Q. It's very important that you answer verbally so  
 6 that the court reporter can record your  
 7 testimony.  
 8 A. Okay.  
 9 Q. If you please wait until I finish asking my  
 10 question until you start your answer, that will  
 11 help her in terms of transcribing everything that  
 12 happens here today. If you need a break at any  
 13 time, please let me know.  
 14 Are you taking any medication today?  
 15 A. No.  
 16 Q. Okay. How are you feeling today?  
 17 A. Fine.  
 18 Q. What did you do to prepare for today's  
 19 deposition?  
 20 A. I read through some notes that I wrote for my  
 21 lawyer.  
 22 Q. Do you have those notes with you?  
 23 A. Yes, I do.  
 24 Q. \*\*\* Can I see them, please?

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1 MS. DEVER: No. They're  
 2 attorney-client privileged. It was a letter she  
 3 wrote to me.  
 4 MR. PALMQUIST: She reviewed it to  
 5 refresh her recollection.  
 6 MS. DEVER: That doesn't -- I mean,  
 7 it's still attorney-client privilege.  
 8 MR. PALMQUIST: I'm afraid that the  
 9 rule is that if she used it to refresh her  
 10 recollection in preparation for the deposition  
 11 it's discoverable.  
 12 MS. DEVER: That's not the rule.  
 13 MR. PALMQUIST: You can mark that  
 14 portion of the deposition. We'll take that up at  
 15 another time.  
 16 MS. DEVER: Okay.  
 17 (\*\*\*) Transcript marked.)  
 18 Q. Did you review anything else?  
 19 A. No.  
 20 Q. Did you meet with your attorney?  
 21 A. Yes.  
 22 Q. When did you meet?  
 23 A. Yesterday.  
 24 Q. How long did you meet with her?

3 (Pages 6 to 9)

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1 A. An hour and a half.  
 2 Q. Did you talk with anyone else?  
 3 A. No.  
 4 Q. Who have you talked to about your lawsuit or your  
 5 charge of discrimination against the company  
 6 other than your attorney?  
 7 A. My husband.  
 8 Q. Anyone else?  
 9 A. No.  
 10 Q. Have you asked anyone if they would be a witness  
 11 for you in this case?  
 12 A. Define "witness."  
 13 Q. Have you asked anyone to testify or provide  
 14 testimony in this case?  
 15 A. Yes.  
 16 Q. Who?  
 17 A. I spoke with Anne Rascoe.  
 18 Q. Anyone else?  
 19 A. Wendy.  
 20 Q. Wendy Canty?  
 21 A. Yes.  
 22 Q. Anyone else?  
 23 A. No.  
 24 Q. Did you talk with Nicole Lee?

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1 A. No.  
 2 Q. Did you talk with Lucia McDougall?  
 3 A. No.  
 4 Q. Did you talk with Mike Stewart?  
 5 A. No.  
 6 Q. When did you speak with Anne Rascoe?  
 7 A. I don't know the exact date. I want to say maybe  
 8 two years ago.  
 9 Q. Did you speak with her by phone or in person?  
 10 A. By phone.  
 11 Q. Why did you call Anne Rascoe?  
 12 A. I called her because I believed her to have a  
 13 similar situation of mine and I wanted to get the  
 14 facts from her to make sure that my  
 15 interpretation of what I saw was correct before I  
 16 said anything to my lawyer.  
 17 Q. Did you speak with Anne before or after Mrs. Finn  
 18 Dever began representing you?  
 19 A. After.  
 20 Q. What did Ms. Rascoe tell you?  
 21 A. She told me that after she went out to have her  
 22 baby, she came back with reduced hours. And at  
 23 that time she was going to be taking reduced  
 24 responsibilities as well. And her pay scale was

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1 adjusted accordingly because of the change in her  
 2 responsibilities.  
 3 Q. What else did she say?  
 4 A. That pretty much was the gist of the  
 5 conversation. We talked personal about our  
 6 children and that pretty much was it. I did ask  
 7 her if she would be supportive of me if I was to  
 8 talk to the lawyer about her situation.  
 9 Q. What did she say to that?  
 10 A. She said she would.  
 11 Q. And by "supportive," what do you mean?  
 12 A. She would write a letter and talk to the lawyer  
 13 over the phone.  
 14 Q. Talk to Ms. Finn Dever?  
 15 A. Yes.  
 16 Q. Did she write a letter to your knowledge?  
 17 A. Not that I know of.  
 18 Q. Do you know whether your lawyer had any other  
 19 conversations with her?  
 20 A. I believe she made a phone contact.  
 21 Q. Do you know when that might have been?  
 22 A. I really don't recollect.  
 23 Q. Was it shortly after you talked with Ms. Rascoe?  
 24 A. Yes. Because after I talked to Anne, I told

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1 Theresa about that and she scheduled the phone  
 2 conversation or Anne might have reached her. I'm  
 3 not sure how that actually unfolded but it was  
 4 after that.  
 5 Q. Did Ms. Rascoe tell you she felt that she had  
 6 been treated unfairly?  
 7 A. Yes.  
 8 Q. What did she say about that?  
 9 A. She said that in many respects she was still  
 10 doing the same responsibilities. She was pretty  
 11 much doing the same job and she felt that that  
 12 was unfair that her pay be adjusted. She  
 13 understood that her pay would be adjusted for  
 14 coming back to her job doing less  
 15 responsibilities but she actually wasn't doing  
 16 less responsibilities. Therefore, felt that she  
 17 should be paid what she was originally paid when  
 18 -- before she left because that's the job she was  
 19 still doing.  
 20 Q. I'm sorry. Perhaps I asked this. Did she write  
 21 a letter?  
 22 A. Not to my knowledge.  
 23 Q. Do you remember anything else about your  
 24 conversation with Miss Rascoe?

4 (Pages 10 to 13)

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1 A. Not really, no.  
 2 Q. Other than that contact approximately two years  
 3 ago, have you spoken with her at all since then?  
 4 A. No.  
 5 Q. Has she contacted you at any time since then?  
 6 A. Just after that a Christmas card. Picture of her  
 7 daughter.  
 8 Q. When did you speak with Wendy Canty?  
 9 A. I believe I -- I think I spoke to Anne around  
 10 Christmastime a couple years ago and I spoke to  
 11 Wendy a couple months after that so it was early  
 12 in the following year.  
 13 Q. Would this be 2003?  
 14 A. Yes. I believe so. I'm not exactly sure of the  
 15 dates.  
 16 Q. Did you speak with Wendy by phone or in person?  
 17 A. By phone.  
 18 Q. Did you call her or did she call you?  
 19 A. I called her.  
 20 Q. Why did you call her?  
 21 A. I called her because I wanted to make sure before  
 22 I presented her name to my lawyer that my  
 23 impression of what I saw at work, I wanted to  
 24 make sure that I had my facts before I approached

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1 the lawyer. Her situation being similar to Anne  
 2 Rascoe's.  
 3 Q. What was your impression of work or what had  
 4 happened at work?  
 5 A. My impression was that she went out to have her  
 6 child. She came back after her leave with  
 7 reduced hours and she was paid a different rate  
 8 for doing less responsibilities but it appeared  
 9 to me that she was doing the same job. Just  
 10 shorter hours.  
 11 Q. What did Miss Canty tell you?  
 12 A. She basically supported that observation.  
 13 Q. Can you be a little bit more specific about what  
 14 she said?  
 15 A. I believe she said that when she came back --  
 16 when she came back with her reduced hours, her  
 17 pay was cut and that she would be doing less  
 18 responsibility but in fact she was doing the same  
 19 responsibility. She was working in the same  
 20 office doing the same tasks.  
 21 Q. Did she tell you she felt she had been treated  
 22 unfairly?  
 23 A. She felt that that was not fair.  
 24 Q. What was Ms. Canty's job?

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1 A. She worked in the office that the flow of human  
 2 resource tasks happened. The accounting, report  
 3 generation for different departments. It was an  
 4 administrative-type office for the entire  
 5 company.  
 6 Q. Do you know what her job description was?  
 7 A. No, I do not.  
 8 Q. Who was her supervisor?  
 9 A. I believe her direct supervisor was Pamela  
 10 Greene.  
 11 Q. Did Miss Canty tell you she ever complained about  
 12 this?  
 13 A. She told me that she was upset about it and that  
 14 she had talked to Pamela about it several times.  
 15 And I believe she also talked to Arlene about it.  
 16 Q. Was there ever any resolution of that?  
 17 A. I'm not aware if there was.  
 18 Q. Was Miss Canty still working at Jansson when you  
 19 had this conversation with her?  
 20 A. No.  
 21 Q. Did you ask Miss Canty to write a letter?  
 22 A. I asked her if she would support me if it came to  
 23 that. She said that she would be more than happy  
 24 to and that Nicole went through a similar

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1 situation. That she would contact Nicole and  
 2 have Nicole contact me. And she said if I needed  
 3 a letter written or needed to talk to the lawyer,  
 4 she would be more than happy to do that.  
 5 Q. Do you know whether she did talk with your  
 6 lawyer?  
 7 A. That I don't remember. I think there might have  
 8 been a phone call, not a letter, but I think  
 9 there might have been a phone call but I'm not  
 10 really sure.  
 11 Q. You're not aware of any letter that she's written  
 12 on your behalf?  
 13 A. No.  
 14 Q. Do you know whether she contacted Nicole Lee?  
 15 A. She said that she left her a message and that  
 16 Nicole said she would be willing to talk with me  
 17 but it never materialized.  
 18 Q. So did you have two conversations with Wendy?  
 19 The first one where you asked her if she would  
 20 support you and then a subsequent conversation  
 21 when she told you she had left a message for  
 22 Nicole?  
 23 A. I -- yes, I believe we did because I connected  
 24 with her again and she told me she had left a

5 (Pages 14 to 17)

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